



**Minutes  
City of Burlington Plan Commission  
November 10, 2015, 6:30 p.m.**

Mayor Robert Miller called the Plan Commission meeting to order at 6:30 p.m. Roll call: Alderman Todd Bauman; Commissioners Darrel Eisenhardt; Andy Tully; John Lynch; and Chris Reesman were present. Gabriel King, BHS student representative, was present. Alderman Tom Vos was excused.

Mayor Miller introduced and welcomed Gabriel King, Burlington High School Student Representative, to the Plan Commission and explained that he can ask any question, but is not allowed to vote.

**APPROVAL OF MINUTES**

Commissioner Eisenhardt moved, and Alderman Bauman seconded to approve the minutes of October 13, 2015. All were in favor, and the motion carried.

**LETTERS & COMMUNICATIONS**

None

**CITIZEN COMMENTS**

None

**PUBLIC HEARINGS**

**A. A Public Hearing to hear public comments regarding a Conditional Use application from Tyler Weavers for property located at 1624 & 1700 S. Teut Road to construct a senior living facility.**

- Mayor Miller opened the Public Hearing at 6:31 p.m.
- Vicky View, 1322 S. Teut Road, read a letter she wrote requesting to allow a right turn only access in and out of 1624 & 1700 S. Teut Road to reduce the impact onto S. Teut Road and reduce accidents, if the Certified Survey Map is approved. Ms. View stated the listing broker said there is an easement for the purpose of vehicular access from 1624 & 1700 S. Teut Road to Wal-Mart/Hwy 36 and that this easement does not appear on any map. She would like Council to make sure it is on the map before approval. Ms. View commented that her properties at 1316 & 1322 S. Teut Road are designated business and are being rezoned as business to comply with the 2035 Multi-Jurisdictional Comprehensive Plan. The applicants are deviating from the 2035 Multi-Jurisdictional Comprehensive Plan, but instead will be “spot zoning”. This new senior living facility will have residents with dementia, neurological and cognitive deficiencies. The garbage pick-up in this area is between 3:00 a.m. and 4:00 a.m. and is too loud for the elderly and feels this is not the right location for this facility.
- There were no further comments.

Commissioner Lynch moved, and Commissioner Reesman seconded to close the Public Hearing at 6:37 p.m. All were in favor and the motion carried.

### **OLD BUSINESS**

None

### **NEW BUSINESS**

#### **A. Consideration to recommend approval to the Common Council of a Certified Survey Map from Shawn McKibben for property located at 1624 & 1700 S. Teut Road to use the property as a senior living facility.**

- Mayor Miller opened this item for discussion.
- Commissioner Eisenhardt questioned if the Certified Survey Map and Rezone Map Amendment are approved, do the votes still stand if the Conditional Use does not get approved. Patrick Meehan replied yes.
- There were no further comments.

Commissioner Reesman moved, and Commissioner Eisenhardt seconded to recommend approval of a Certified Survey Map, subject to Patrick Meehan's October 30, 2015 and Kapur & Associates' November 4, 2015 memorandums to the Plan Commission as follows:

- It is the understanding of Meehan & Company, Inc. that Milwaukee Avenue is no longer STH 36 and STH 83 and that the segment of Milwaukee Avenue which is contiguous to the subject property is now under the jurisdiction of the City of Burlington. Therefore, the designation of STH 36 & 83 requirement has been met from both Sheets 1 and 2 of the proposed Certified Survey Map as well as from the note indicating "Restricted No Access to STH 36 & 83" requirement has been changed and met to "Restricted No Access to Milwaukee Avenue". As per 236.20 (2(k)) the main chords along Hwy 36 having dots or dashes has been met.
- Section 278-39(A)(2) of Chapter 278 requires that ". . . setbacks . . . " be indicated on the Certified Survey Map, the notation on Sheet 1 of the proposed Certified Survey Map shall be changed from "50' MINIMUM HIGHWAY SETBACK" to "25' MINIMUM STREET YARD AND REAR YARD SETBACK", which has been met.
- Section 278-39(A)(5) of Chapter 278 requires that: *"Existing and proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based upon mean sea level. This requirement may be waived if the parcel(s) created is (are) fully developed."* Since the subject property is currently being proposed for the development of a senior living center building consisting of 40 units of assisted living (multiple-family residential dwellings) and 40 units of memory care (that is, a community living arrangement) and an existing topography drawing and detailed grading plan have been submitted by the applicant with the proposed Site Plan for

the proposed development, it is recommended that the Plan Commission and Common Council waive the requirement of Section 278-39(A)(5).

- Section 278-39(A)(8) of Chapter 278 requires the name and address of the property owner of the land to be indicated on the Certified Survey Map. Therefore, the “Prepared for:” note on Sheet 1 of the proposed Certified Survey Map has been changed to “Property Owner:”

*All were in favor and the motion carried.*

**B. Consideration to recommend approval to the Common Council of a Rezone Map Amendment application from Shawn McKibben for property located at 1624 & 1700 S. Teut Road to rezone from B-1 Neighborhood Business District to Rm-4/PUD, Multi-Family Residential with a Planned Unit Development (PUD) Overlay.**

- Mayor Miller opened this item for discussion.
- Commissioner Lynch stated years ago this property was reviewed and approved for Rewald Electric, the strip mall and Wal-Mart. He is concerned about this senior living facility being placed in the middle of a business district which may not be an appropriate use for this land.
- Shawn McKibben, representative for Oak Park Place, gave a presentation of this project. He stated Oak Park Place is operated as a business for senior living and is too large of a building to place in the center of a residential neighborhood. Oak Park Place seeks major corners for ease of access, visibility and convenience for families to be surrounded by businesses for the ability to shop for them. Mr. McKibben stated this particular facility is a senior living for memory care and assisted living and not seniors with cognitive disabilities. There will be minimal traffic since the memory care seniors cannot drive and only about 5% of the assisted living have cars. The peak staff during the day would consist of about 22 people, some of which may be dropped off to work or carpool. Oak Park Place provides transportation services for those residents who need to go to a store.
- Ms. Walters asked Mr. McKibben what other site locations they had looked at, for possibly a better fit. Mr. McKibben stated they looked at six other sites; near the hospital, south side of the bypass and S. Pine Street, a few different areas near Browns Lake Drive and Hwy W, north of the proposed site on Milwaukee Avenue and outside of Kohl’s had a building restriction for only 4 acres, and 6 acres is what the building was designed for. Mr. McKibben stated that these locations were not large enough and some had wetlands.
- Patrick Meehan commented on the spot zoning issue, that was mentioned earlier, means that someone is granted more development rights than the surrounding properties, but in this case they are asking for less development rights. Patrick Meehan questioned what the cost per square foot of the facility is. Mr. McKibben replied that the cost of the building itself is about \$100.00 per square foot without land. Patrick Meehan stated there are more parking spaces required for commercial, but because this is wanting to be zoned as Residential with a Planned Unit Development it will require less parking spaces.

- Commissioner Tully stated he was familiar with Pine Brook Pointe and wanted to know how that compared with this facility. Mr. McKibben stated it is all senior living with half of it as assisted living requiring minimal care, which consists of studio and one bedroom apartments, and the other half is memory care. Phase II will be independent living known as senior apartments. Commissioner Tully questioned Commissioner Lynch if it would be more logical to have this area not be a full-blown commercial area with restaurants and shopping. This senior living would help off-set the busy Wal-Mart and strip mall. Commissioner Lynch stated even though this is run like a business, every apartment would be a business then, but the City does not treat it like a business, rather a “High Density Residential”. Commissioner Tully stated it is the buyer who is choosing to put residential units in a commercial area. Commissioner Lynch stated this is zoned as commercial and why is the City wanting to change it. Commissioner Lynch is also concerned since Phase II will be independent living, there will be more traffic with the 25-30 units. Patrick Meehan stated he sees no problem with traffic compared to if it stays zoned as commercial. Alderman Bauman stated that he compares this facility to the Boardwalk Apartments with the surrounding strip being commercial. Patrick Meehan stated that this residential zoning is inconsistent with the comprehensive plan amendment. Ms. View questioned what the point of having a comprehensive plan amendment if it can be changed. Mr. McKibben stated comprehensive plans change frequently because over time things evolve and peoples’ wants and needs change of wanting to live where the activity is. Commissioner Lynch questioned why there is no walkway to Wal-Mart if their desire is to have this facility near businesses. Mr. McKibben stated their memory care residents would not be walking around but in the future the independent living residents might be. Mr. McKibben stated Oak Park Place would never build where their residents would not be happy with what is across the street. Mr. McKibben also stated that it is more common for residential use to be in a commercial location. Ms. View was concerned that residents were being put in a commercial district and do not want to be next to a Wal-Mart or have another business across the street from them. She feels this is not a very good fit. Ms. View is also concerned that the 2035 Multi-Jurisdictional Plan Amendment supposed to determine the growth through 2035 is already changing.
- Jack Baker, 141 W. Chandler Boulevard, Burlington, realtor listing this property, thought this would be a slam dunk because it took a lot of pressure off of traffic on S. Teut Road and thought this facility was not appropriate for a subdivision area. It would also collect tax dollars, create jobs and have no impact on the schools. Ms. View wanted to know how many emergency calls they get a year, since S. Teut Road is flooded with emergency calls already. Mr. McKibben stated there are not that many since this facility will not have skilled nursing, which is like a nursing home.
- Mayor Miller stated that Multi-Jurisdictional Plan is just a plan that is not set in stone and can accommodate changes to land use and growth. When this plan was put together for the land between S. Teut Road and Milwaukee Avenue it was to act as a buffer zone for the property west of S. Teut Road, which was to be zoned for the most part residential. Mr. Baker stated that it is hard enough to sell or lease commercial businesses currently, so why not change it to residential. Ms. View commented that Julie Anderson, head of Planning and Zoning for Professional Land Use Plan of Racine County, wanted west of S. Teut Road to be larger businesses, then smaller businesses, then smaller residential and after that larger scale residential and with this zoning change, steps are being missed by putting residents in the middle of a business corridor.

- There were no further comments.

Commissioner Eisenhardt moved, and Alderman Bauman seconded to recommend approval for a Rezone Map Amendment, subject to Patrick Meehan's October 30, 2015 memorandum to the Plan Commission as follows:

- That all of the portion of the subject property currently shown as zoned in the B-1 Neighborhood Business District be rezoned by the Common Council to the Rm-4 Multiple-Family Residential District with the PUD Planned Unit Development Overlay District zoning classification.

*All were in favor and the motion carried.*

**C. Consideration to approve Resolution No. 22 to amend the Multi-Jurisdictional Comprehensive Plan for property located at 1624 & 1700 S. Teut Road from Commercial to High Density Residential.**

- Mayor Miller opened this item for discussion.
- There were no comments.

Commissioner Tully moved, and Commissioner Reesman seconded to recommend approval of Resolution No. 22 to amend the Racine County Multi-Jurisdictional Comprehensive Plan from Commercial to High Density Residential, subject to Patrick Meehan's October 30, 2015 memorandum to the Plan Commission as follows:

- The comprehensive plan map for the City of Burlington (as it relates to the subject property) be amended by the City of Burlington from the "COMMERCIAL" land use designation to the "HIGH DENSITY RESIDENTIAL" land use designation.
- The proposed comprehensive plan amendment is consistent with the goals, objectives, and policies of the plan and will not lead to any detrimental environmental effects.
- The proposed comprehensive plan amendment is compatible with surrounding land uses when not only considering the abutting existing land uses.
- The proposed comprehensive plan amendment would not over burden existing local and county facilities and services and such facilities and services are adequate to serve the type of development associated with the amendment.
- The proposed comprehensive plan amendment will enhance economic development within the City and County.
- The proposed comprehensive plan amendment is in substantial agreement with the recommendations of the regional land use plan since the regional plan calls for urban type development in the area.

- That the Common Council amend by ordinance (prepared by the City Attorney) the Comprehensive Plan as it pertains to those portions of the subject property currently shown as "Commercial" land use classification for a change to the "High Density Residential (less than 6,200 sq. ft. per dwelling)" land use classification.

*All were in favor and the motion carried.*

**D. Consideration to approve a Conditional Use and Site Plan application from Tyler Weavers for property located at 1624 & 1700 S. Teut Road to construct Oak Park Place a senior living facility for Phase 1 only.**

- Mayor Miller opened this item for discussion.
- Commissioner Lynch stated that he would like to see a sidewalk access attached to the existing sidewalk where there is a stub that butts up to the proposed property, from Wal-Mart to the strip mall.
- There were no further comments.

Commissioner Lynch moved, and Alderman Bauman seconded to recommend a conditional approval of a Conditional Use and Site Plan for property located at 1624 & 1700 S. Teut Road to construct a senior living facility contingent on having an attachment to the existing sidewalk on the adjacent property and “Prior to construction, Applicant, and Applicant’s business entity(ies) for this project (collectively, “Applicant”), shall execute and deliver to the City a Hold Harmless Agreement, to be drafted by the Burlington City Attorney, providing for Applicant to reimburse the City for the cost of any repairs required to be made to the City’s roads as a result of damage done to the roads by the vehicles and/or construction equipment conducting the construction activities for Applicant’s project”, subject to Patrick Meehan’s October 30, 2015 and Kapur & Associates’ November 4, 2015 memorandums to the Plan Commission as follows:

- The Plan Commission approve the Conditional Use Permit for Phase I ONLY consisting of 40 units of assisted living and 40 units of memory care (a type of "community living arrangements which have a capacity for 16 persons or more") subject to the Common Council's rezoning of the subject property to the Rm-4/PUD Districts.
- That additional plans for PHASE II shall be submitted for City of Burlington review, approval, and City Zoning ordinance required public hearings as amendments to the PUD Planned Unit Development Overlay District, following the same procedures as required under the provisions of Section 315-43 of the City Zoning Ordinance for the PUD Planned Unit Development Overlay District, the Site Plan requirements of Section 315-137(C) of the City Zoning Ordinance, and the conduct of the required public hearings including any public hearings required for any PHASE II proposals requiring a Conditional Use.
- Section 315-48(M) of the City Zoning Ordinance require a single row and aisle of 90-degree parking spaces need to be a minimum of 45 feet in width and double row and aisle of 90-degree parking spaces need to be a minimum of 65 feet in width.

The proposed parking lot areas do NOT meet this requirement since the single row and aisle of 90-degree parking spaces located on the southwestern portion of the property are proposed to be only 42 feet in width and those located around the proposed circular drive in the northeast portion of the subject property are 44 feet in width. Also, the double row and aisle of 90-degree parking spaces located in the northeast portion of the property are only 64 feet in width. The revised plans shall be resubmitted to City staff for review for compliance.

- Section 315-48(H) and Table 4 of the City Zoning Ordinance, off-street parking for persons with disabilities shall be met and indicated on the Site Plan. Under these requirements and assuming a total number of 52 proposed outdoor, off-street parking stalls, a total of three (3) accessible off-street parking spaces is required to be provided for the outdoor parking area. This requirement does NOT appear to be met. Therefore, ALL of the applicable affected plans for the proposed development shall be modified accordingly to meet ALL the requirements of Section 315-48(H) and Table 4 of the City Zoning Ordinance and the revised plans shall be resubmitted to City staff for review for compliance.
- Section 315-48(G) of the City Zoning Ordinance requires that all off-street parking areas serving five (5) or more vehicles shall have all parking stalls permanently marked by painted lines or other approved material, and said marking shall be maintained so as to be legible at all times. This requirement shall be met prior to the issuance of an Occupancy Permit.
- Characteristics of soils related to contemplated specific uses shall be submitted by the applicant if requested by the City Engineer.
- If the development is to be staged, a staging plan. NOTE: The development has been indicated by the applicant as a two Phase development in the applicant's submitted document titled "Oak Park Place Burlington: Proposed Senior Living Center Narrative". The current plans submitted are for Phase I ONLY and additional plans for Phase II shall be submitted as an amendment to the PUD Planned Unit Development Overlay District and the required Site Plans and possibly the Conditional Use.
- Section 315-43(K)((2)(b) of the City Zoning Ordinance, plans submitted for detailed approval shall be sufficiently precise and all items that are required to be identified by the Common Council shall be presented. Also, a letter of credit for all improvements shall be submitted before final approval is given. The proposed plans submitted appear to have met the requirements of "detailed plans".
- Existing and general location of proposed sanitary sewers, storm sewers (including direction of flow), water mains, and fire hydrants noted on the site plan. All locations for the proposed connections to such utilities shall be indicated on the site plan. No building permit shall be issued until any needed sanitary, storm sewer and water mains have been installed and approved by the City. Location of any proposed storm-water management facilities, including detention/retention area(s) noted on the site plan. Storm-water calculations which justify the storm-water detention/retention area(s) shall be submitted.

- The Geotechnical report recommend 3.5 inches of asphalt for the light duty section (Parking Stalls) for the project and 4.5 inches for heavy duty areas (Drive Lanes), however only 3 inches were specified on the plans.
- Provide detailed paving plan for sidewalk, asphalt, curb, and retaining walls.
- No Occupancy Permits shall be issued until private drives and parking areas have been paved by the owner except for the final lift of asphalt and the gas, telephone, and electrical services have been installed by the owner and are in operation.
- If outdoor lighting is proposed, lighting data shall be submitted which indicates the location, type, and illumination level (in foot-candles) of all outdoor lighting.
- Location of all existing and proposed easements on the site, including natural resource protection and mitigation area easements, landscape easements, access easements, utility easements, and all other easements, shall be noted on the site plan.
- Fire Sprinkler and Fire Alarm Systems are required by the City of Burlington code. Requirements for an Access Box system applies to this project. Fire Department access roads and fire lanes require a minimum width of 30 feet. The drive lanes double loaded with parking are required to be 25 feet per ordinance 315-48(m). The Plans provide 24 feet through the parking lot and on the western road entrance. The 22 feet drive aisle south of pond B does not meet the required 25-foot width per ordinance 315-48(m). An Integral Curb detail shall be provided for the sidewalk around the entry area and curb and gutter should be added at the entrance radius to S. Teut road.
- That any engineering (including grading, erosion control, and utility plans) and/or storm-water management plans for the proposed development shall be reviewed and approved by the City Engineer prior to construction.

*All were in favor and the motion carried.*

**E. Consideration to recommend approval to the Common Council of an Extraterritorial Certified Survey Map from Gail Ketterhagen for property located at 5741 Brever Road in the Town of Burlington.**

- Mayor Miller opened this item for discussion.
- Patrick Meehan stated that our subdivision ordinance allows us to review anything within 3 miles of the City of Burlington.
- There were no further comments.

Commissioner Tully moved, and Commissioner Reesman seconded to recommend approval of a Certified Survey Map at 5741 Brever Road in the Town of Burlington.



*All were in favor and the motion carried.*

**ADJOURNMENT**

Alderman Bauman moved, and Commissioner Eisenhardt seconded to adjourn the meeting at 7:29 p.m.  
*All were in favor and the motion carried.*

Recording Secretary  
Kristine Anderson  
Administrative Assistant